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ABSTRACT

This booklet summarizes the rights and responsibilities of Minnesota parents of children with disabilities and offers guidelines on how best to advocate for their child. Introductory material briefly describes the Parent Advocacy Coalition for Educational Rights (PACER) Center and its programs. The booklet then summarizes federal court decisions, federal laws, and state laws impacting on special education. It uses a question and answer format to address the following issues: eligibility for special education services, available services for infants, the initial assessment process, later assessments, the parent role in the assessment process, areas of assessment, the Individualized Education Program (IEP), special education and related services, determining a child's appropriate placement, characteristics of a good IEP, parent involvement in the IEP, and the procedure when parents and the school disagree. Tips for good parent-school communication are provided, along with 10 guidelines for being a child's advocate. Additional questions and answers consider changes in the IEP, changes in the child's placement, removal of information from the child's records, life-long implications of a child's special education, transition to the adult world, and rights when the student is not in a public school. (DB)

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Parents Can Be the Key

A handbook on rights and responsibilities in special education for parents of children with disabilities

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Parents Can Be the Key

. . . to an appropriate education for their child with disabilities

PACER Center, Inc.

Parent **A**dvocacy **C**oalition for **E**ducational **R**ights

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About PACER Center

PACER Center (Parent Advocacy Coalition for Educational Rights) is an information, training and advocacy center for families throughout Minnesota who have children and young adults with disabilities. PACER's mission is to improve and expand opportunities that enhance the quality of life for children and young adults with disabilities and their families. For more information, call PACER at (612) 827-2966 (voice and TTY). Families in greater Minnesota may call toll-free, 1-800-53PACER.

PACER conducts a variety of projects to assist families of children and young adults with disabilities, including:

- **Parents Helping Parents.** A parent training and information project that informs parents of children with disabilities from birth through age 21 of their rights and responsibilities in special education. Through parent workshops, training of trainers, individual assistance, information and support, PACER helps parents understand the laws that guarantee their children the right to a free and appropriate public education. Parents can then participate effectively with professionals in developing their child's individualized educational program.

- **Project for Parents of Children with Emotional or Behavioral Disorders.** Provides information to parents related to mental health, education, social services, or corrections issues. The Project maintains a directory of mental health services, and provides in-person or telephone assistance, workshops, written materials, and referrals to support groups or other parents.

- **Count Me In Disability Awareness Program.** Promotes understanding and acceptance of children with disabilities through a variety of activities, including puppet presentations about disabilities to school age children.

- **Let's Prevent Abuse Program.** Informs children and adults about child abuse and strategies for prevention, including puppet presentations about abuse to school age children.

- **Family Strengths: Building Resilient Families.** Helps children from age 4 to grade 3 identify strengths in themselves and their families.

- **Project Youth and Project LOTS.** Provide assistance to youth with disabilities in transition from high school to the adult world and work to improve transition services throughout Minnesota.

- **Early Childhood Family Training Project.** Informs families about early intervention services available for children from birth through age 5 with disabilities.

- **PACER Computer Resource Center and Software Lending Library.** Helps parents and teachers of children with disabilities learn more about personal computers and how they can be adapted to help expand a child's horizon.

- **Multicultural Projects.** Help African American, Latino/ Hispanic, Native American, Southeast Asian, and other underrepresented parents to better understand their children's disabilities and find appropriate services to meet special needs.

- **Project PRIDE.** Informs and trains persons with disabilities, their family members and professionals about the Rehabilitation Act and related legislation.

- **Juvenile Justice Training Program.** Trains professionals who work with youth whose disabilities may place them at risk for involvement with the juvenile justice system.

- **Surrogate Parent Services.** Provides training and assistance to persons who represent children with disabilities in the special education system when the child's parents are unknown or the child is a ward of the state.

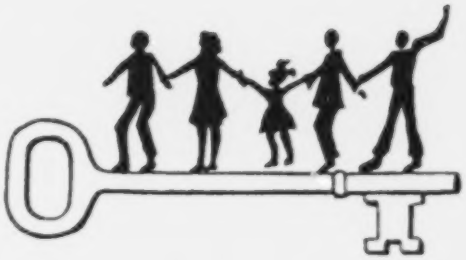
- **Grandparents Program.** A program of support and information that enables grandparents of children with disabilities to better understand disabilities and support their children and grandchildren.

- **Transition and Natural Supports in the Workplace.** Identifies the information co-workers and supervisors need to provide on-the-job support to persons with moderate and severe disabilities.

PACER also has several regional and national technical assistance projects.

For more information on any of these activities, contact PACER Center. PACER Center Co-directors are Paula Goldberg and Marge Goldberg. This booklet was prepared by the staff at PACER Center.

Parents Can Be the Key



You, as the parent of a child with a special need, **can** be the key to an appropriate education for your son or daughter.

You know the most about your child. Because of this knowledge, you are a vital member of the team that plans your child's education. You can be a strong advocate for your child.

With your assistance, your child can receive the kind of education that will help develop his or her abilities.

You can contribute important information to your child's educational plan, and you can take action to make changes when they are needed. But to do this, you must know your rights and your child's rights. You need to know how to make use of these rights and to exercise your responsibilities as well.

This book is an overview. For further information or individual advocacy assistance, contact:

PACER Center
4826 Chicago Avenue South
Minneapolis, MN 55417-1055
(612) 827-2966, Voice & TTY

Parents of children and young adults with disabilities who live in Minnesota may use PACER's toll free number, 1-800-53PACER.

What are my child's rights
. . . and mine as a parent?

Since the early 1970s, many changes have been made in special education as a result of federal court decisions, federal laws and state laws. Most of these changes have occurred because parents and professionals were striving to improve educational opportunities for children with disabilities.

Here, in brief, is what these changes mean to you and your child.

- Your child with a disability is entitled to a free public education that is appropriate to his or her individual needs.
- To the extent appropriate, your child should be educated with children who do not have disabilities. This is often referred to as education in the "least restrictive environment (LRE)."
- Tests given to your child must not discriminate on the basis of his or her disability or racial or cultural background.
- You as the parent or guardian can participate in making decisions about your child's education.
- You must be notified in writing when changes in your child's education are being considered.
- You have the right to see your child's educational records, to have them explained, and to obtain copies.
- School programs must be physically accessible so that all students with disabilities can receive appropriate services.
- Children who are under the guardianship of the Commissioner of Human Services (wards of the state) or whose parents are unknown or unavailable must be represented in the educational process by surrogate (substitute) parents.
- You and the school are entitled to make use of appeals when differences of opinion cannot be resolved.
- You have a right to request the reimbursement of attorney's fees if you prevail (win a special education dispute), e.g., hearings, appeals, legal suits.

The important laws are:

- Public Law 101-476, the
  Individuals with Disabilities Education Act (IDEA)
  Part B, ages 3 through 21 years
  Part H, early intervention services birth through age 2
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act (ADA)
- Minnesota state law on special education, Minnesota Statutes 120.03 and 120.17.

What disabilities entitle children to receive special education services?

The disabilities or special needs that are mentioned in special education laws are as follows:

- learning disabilities
- mental retardation
- emotional and behavioral disorders
- speech/language disorders
- vision impairment/blindness
- hearing impairment/deafness
- physical disabilities
- autism
- traumatic brain injury
- other health impairments (e.g. epilepsy, diabetes)

A child may have more than one disability (referred to as multiple disabilities) or a disability that is not visible or obvious. Some children with disabilities, such as those with Attention Deficit Hyperactivity Disorder (ADHD), may be eligible for services under learning disabilities, serious emotional disorders or other health impairments.

At what age can a child receive special education services?

In Minnesota, schools are required to serve the special education needs of children from birth to age 22 or the completion of high school. The areas of delay or disability (listed above) include sensory, physical, mental, or social/emotional development. If a child qualifies for special education service and meets the eligibility criteria, the school district is responsible for serving the child's special education needs at the very earliest age (from birth). The age of the student is based on his or her age as of September 1.

What services are available for young children from birth through age 2?

Under federal law, Public Law 99-457, and Minnesota Statute, an interagency agreement among the Departments of Health, Human Services and Education makes early intervention services available to eligible young children. Infants and toddlers from birth through 2 years of age who have disabilities, and their families are eligible for these services. Some of the early intervention services are:

- early childhood special education
- physical, speech/language, or occupational therapy
- family support and training
- case management

These services can be provided by:

- local school districts and schools
- community health or social service agencies and organizations
- other public and private providers

Under Part H of the Individuals with Disabilities Education Act (IDEA), services to be provided are defined in a document called an IFSP (Individual Family Service Plan). It is used for children from birth through age 2 and their families.

Minnesota has developed a recommended IFSP form. Presently school districts are mandated to provide the educational services described in the IFSP. All services described in the IFSP by all agencies involved are to be fully implemented.

Part H of IDEA directs states to maintain an Interagency Coordinating Council (ICC). In Minnesota, local areas are to operate Interagency Early Intervention Committees (IEICs). These committees are required to have parent members. Your school district can give you the name of the chairperson of your local interagency intervention committee. For more information on regulations affecting services to infants and toddlers (birth through two years), contact PACER Center.

How does it all start?

The first step toward deciding whether a child needs special education and, if so, what services should be provided is the **assessment**, or evaluation.

An assessment is a way of studying a child to learn about his or her needs or disabilities. Assessment should identify the things a child does well in addition to those that are difficult to do. The purpose of the assessment is to determine what services would be appropriate; **it is the basis for your child's educational plan**. For that reason, it is important for you as the parent to make sure the assessment gives an **accurate** and complete picture of your child.

Usually, people think of tests when they think of an assessment. Tests are an important part of the assessment process.

Depending on your child's needs, tests might include one or more of the following:

- Speech and language tests
- Personality and adaptive behavior tests
- Achievement tests
- Potential or aptitude (intelligence) tests
- Perceptual tests

- Instruments for assessing young children
- Vocational and transition area assessments
- Behavior checklists and/or rating scales

All tests must be given to your child individually, in his or her primary language, and in a way that does not discriminate in terms of disability or racial/cultural background.

An assessment must be **comprehensive**, including all appropriate types of tests, and must be administered by **qualified personnel**.

The assessment process, in addition to testing, should include:

- Observations by staff who have worked with your child
- Medical history, when it affects performance in school
- Parents' information and observations about the child's
  - previous school experiences
  - abilities and behavior outside of the school setting
  - feelings about school

Remember, you've known your child longer than anyone in the school and you observe him or her in many different situations. **You have important information to offer!**

Will there be more assessments once my child receives special education?

Yes. A reassessment must be done at least every three years and can be performed more often if believed necessary by the family and/or school personnel.

These reassessments help ensure that your child's program will be modified as his or her needs change. If a child's IQ score is consistent over two reassessments, parent and school can agree not to test in this area in the future.

How can parents play a role in the assessment process?

As a parent, guardian or surrogate parent:

- You must be notified before an assessment is performed, and be given the right to grant or refuse permission to have your child assessed.

  You should respond in writing to the school's request to assess your child, informing them of your consent or refusal. If this is your child's first assessment, the school must wait for your written consent in order to proceed. If, however, this will be a reassessment, the school may go ahead if you do not respond within ten school days.

- You may request an assessment if you feel your child may need special education services. If this is a first-time request for assessment, the school must have the parent's permission.

- You may see and obtain copies of assessment data and all other information in your child's records.

- You may have a qualified staff person explain test results to you.

- You may offer your own information and observations to the assessment process.

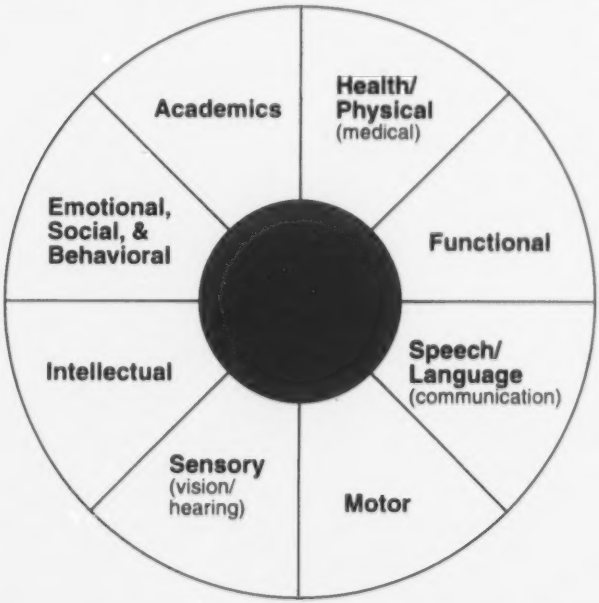
- You may obtain an independent assessment if there is a disagreement with the school's assessment results. This must be paid for by the school district or secured at no cost to you, unless, through a due process hearing, the school's evaluation is found to be appropriate. If you choose to pay for an outside evaluation and request that it be placed in your child's record, it must be considered in planning.

What are the areas in which my child may be assessed?

The assessment wheel lists the eight potential areas in which your child may be evaluated, depending on the presenting problems at the time of the assessment.

If your child is in grade 9 or is age 14 or older, the assessment must also include five areas of Transition planning to determine what skills your son or daughter needs to work on to prepare for life beyond high school. The five Transition Program Planning areas are: 1. jobs and job training; 2. recreation and leisure; 3. post-secondary education and training; 4. home living/daily living skills; and 5. community living, experience, and participation.

Transition assessment tools may include surveys and interviews to help your son or daughter to determine post-school outcomes, or what he or she wants to do after high school. The young person and the team will establish the Present Levels of Performance in each of the five transition



areas, based on observations, assessments, interviews, etc. In the Home Living/Daily Living area, for instance, this might result in a statement such as, "I live at home with my parents and two sisters. I help take care of the house. I clean my room, wash dishes, and vacuum. I wash my own clothes."

For transition-age students, the needs uncovered through assessment in any of the eight areas listed on the assessment wheel will be considered along with assessment information in the five transition program planning areas, and used as the foundation for building a transition Individual Education Program.

The IEP — your child's 'tailor-made' educational program

Every child is unique. Your child's special education plan should be based on your child's assessed needs.

The individualized education program (IEP) is a document developed by a team at a meeting after assessment. It is essential for you to attend this meeting, as you have information about your child that no one else has. Others who must be present are a representative of the school district, other than the pupil's teacher, who is qualified to provide or supervise the provision of special education services; a general education teacher (not required in early education programs); a special education teacher; and the student, when appropriate. A student who is 14 or in grade 9 must be invited to attend the IEP meeting.

Additional school staff who are important to your child's education may attend. Parents may also bring anyone they wish. This IEP planning team has the authority to commit services for the child.

To prepare for the IEP conference or staffing conference, you should:

- Review your child's assessment data and/or records. You have the right to have a qualified staff person explain the results to you. You may wish to do this before the IEP planning conference.

- Make notes about information you want to contribute at the meeting. Think about the goals you have for your child. What would you like him or her to be working on?
- Consider visiting the classroom to observe how your child is doing.
- Talk to your child regarding his or her feelings about school and determine the appropriate involvement in the IEP process or conference for your child. This will depend on his or her age and the specific circumstances.
- Consider taking a relative, a friend, another parent, or an advocate to attend the IEP planning conference with you.

What are special education and related services?

Special education services are any specially designed instruction to meet the unique needs of a child with a disability. These services are provided by special education staff. An example is the service given by a teacher of students with emotional and behavioral disorders (EBD).

Related services are those services designed to enable a student to benefit from special education instruction. Some examples are physical therapy, occupational therapy, psychological services, pupil support assistance, and assistive technology.

Special education instruction and related services may be carried out through direct or indirect services. Direct services are provided directly to the student from a special education teacher, or a professional who delivers related services. Indirect services are provided by special education through consultation with a general education teacher, parent or other persons or professionals who have direct contact with the student. Indirect services also include ongoing progress reviews, cooperative planning, modification and adaptation of the environment, curriculum, materials or equipment, and monitoring, observing and reviewing the student's progress.

The assessment is the tool for determining what special education and related services are needed. If the assessment documents a need, the services must be provided at no cost to families and should be written into the student's IEP.

What kind of placement might be appropriate for my child?

All students with disabilities should receive special education services in the "least restrictive environment (LRE)." That is, they should be educated in integrated settings with children who do not have disabilities to the maximum extent appropriate. This concept must always be used when planning programs or services to meet the special education needs of children with disabilities.

To ensure that students are receiving the special education services they need, but are not in a setting that is more restrictive than necessary, a variety of settings or educational service alternatives must be available. The school is required to provide an appropriate program for a child even if that means services beyond what currently exist.

Here are some examples of the kinds of settings where your child can receive special education services:

Early Childhood Special Education (ECSE) — Infants, toddlers and young children may receive services in:

- The child's home or family day care setting
- The school district's center-based Early Childhood Special Education program
- Programs in the community, such as Head Start, preschool programs, etc.

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School Age Services — educational service environments — A child may receive services in any combination of the following:

- General education classroom with indirect or consultative support from special education
- General education classroom with direct special education service included in the classroom, or resource room services
- Separate special education classroom

- Community setting, such as for vocational or independent living instruction
- Separate school, such as Fairibault Academy for the Deaf, or residential treatment schools
- Home/hospital services

Your school district should describe the various settings where these educational service alternatives may be delivered. Keep in mind that your child should be educated with children without disabilities whenever possible. It is the responsibility of the school to serve your child in the least restrictive environment, and to document any time a child is removed from the general education setting.

What makes a good Individual Education Program (IEP)?

Here are some things to look for in your child's IEP:

- Annual goals and short-term objectives for the period covered in the IEP. A goal is a general plan for accomplishment; objectives are specific steps to achieve the goal.
- A list of services that will be provided, including:
  - the type of services being provided
  - amount of services
  - who will provide the services
  - where they will be provided
  - how often services will be provided (daily or weekly schedule), and for what length of time (minutes, hours)
- What "related services," if any, will be provided, such as transportation, occupational, therapy or psychological services.
- Developmental Adapted Physical Education (DAPE) should be provided if your child is not able to participate in physical education activities with the regular class of students.
- For students in grade 9 or age 14 in Minnesota, teams must begin to plan for transition to adulthood, considering the areas of jobs and job training, post-secondary education and training, community living experience and participation, recreation and leisure, and home living or daily living skills. Federal regulations and Minnesota rules require schools to assess and plan for meeting all the student's needs for living and working in the community. The student must be invited to the meeting. If he or she chooses not to attend, a team member must be responsible for discussing skills, interests, and needs with the student. Representatives from other agencies who will be involved, such as Division of Rehabilitation Services, the county, etc., also may be invited.

- A date for the periodic review of your child's progress should be listed. Reviews must occur at least once a year following placement. Parents are not always included in this review. If you want to attend or feel additional reviews or conferences are needed, be sure to contact the school and make your request in writing.

Now ask yourself some questions as you read the completed IEP.

- Is it understandable?
- Can it be used by staff as a basis for teaching?
- Can your child's progress be measured?
- Is it reasonable to expect your child to make the progress listed in one year?

How can parents be involved in the IEP?

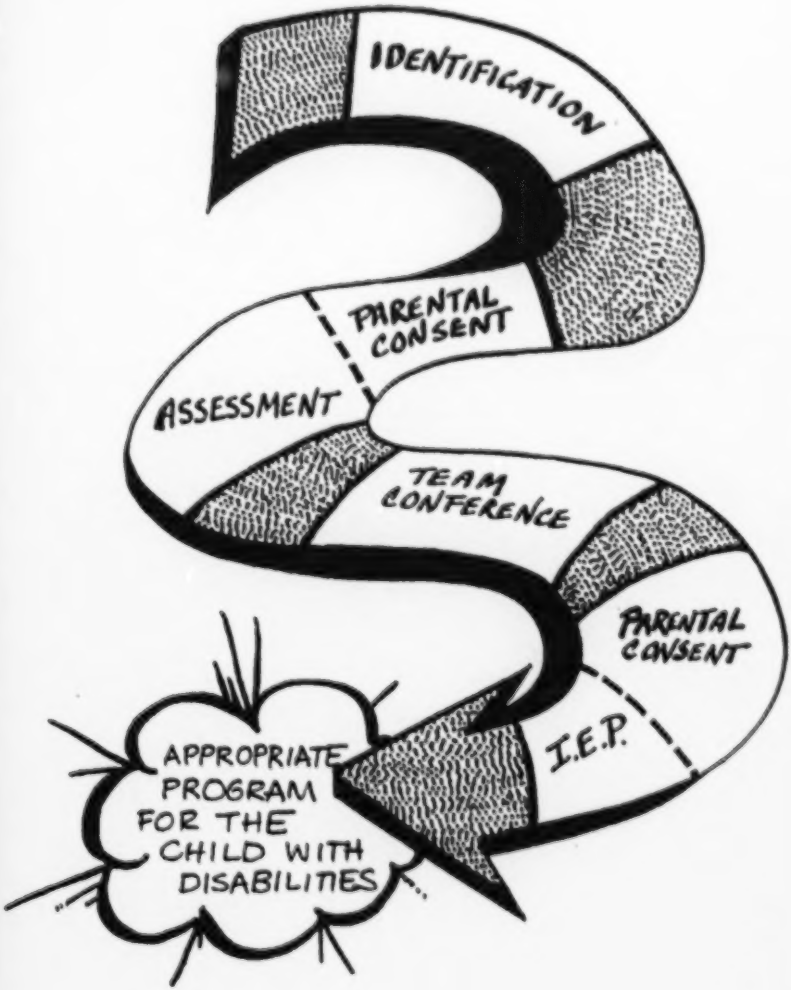
- You must be invited to the planning meeting which must be held at a time agreeable to both you and school staff.
- You may contribute ideas and information to the planning process.
- You may bring anyone with you that you choose. This might be a relative, a friend, an advocate, or an outside professional. If you believe that your child needs someone from a similar minority or cultural background on the planning team, you may bring a representative of your choosing to help speak about your child's needs.
- You do not have to sign either agreement or disagreement with the IEP at the meeting.
- You must receive a written copy of the IEP following the conference.

- You have the right to disapprove this plan.

  Be sure to give your consent or disapproval of the IEP in writing. If this is your child's first IEP, the school must have your written consent before starting a program for your child. If, however, this is not the first IEP, the school may go ahead with a program if you do not respond within 10 days.

- If you have informed the school in writing that you disagree with the IEP, school staff will invite you to a meeting to try to resolve the differences. You also have the option to request a due process hearing if you do not believe conciliation or mediation will be helpful.

Summary — The planning process in special education



What can I do when I don't agree with the school?

When differences arise, try first to resolve them informally. If such efforts are not successful, you have the following options:

The Conciliation Conference

The conciliation conference, which is offered under Minnesota law, is your opportunity to "iron out" disagreements with the school in an informal setting. This conference is not mandated but is definitely recommended to resolve any problems relating to your child's services. You have the right to bring anyone you choose, such as a relative, a friend, advocate or other representative, to a conciliation conference with you. Parents and school personnel discuss their viewpoints at the conference and attempt to find a solution. More than one conciliation conference may be held if the first conference does not resolve the problem. A conciliation conference should never delay or stand in the way of your right to a due process hearing.

In summary, parents and school personnel should arrange to meet to resolve disagreements when:

- You have refused consent to an assessment.
- You believe that the school's assessment is inappropriate and you want the school to pay for an outside assessment.
- You have indicated disapproval of an IEP in writing.
- You believe your child is not receiving appropriate service.
- You think that additional services are needed.
- You believe that transportation services are not appropriate.

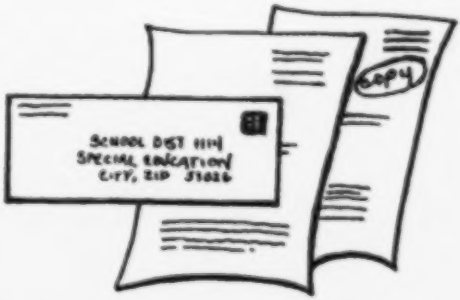
To request a school conference or meeting regarding your child's program, send a letter to your principal and a copy to your child's teacher. **Keep a copy for yourself.**

Mediation

When you and school staff are unable to resolve differences, either of you may request mediation. Both you and school staff must agree to mediation. Mediation will be at no cost to you or the school district. A mediator will be named who is an objective, specially trained person who will try to help both parties resolve the concerns. The mediator is not a decision-maker. The mediator is trained to assist parties to find a solution agreeable to both sides. Information on mediation is available from the Office of Dispute Resolution, State of Minnesota, 340 Centennial Building, St. Paul, MN 55155, (612) 297-4635.

Due Process Hearing

You may request a due process hearing at any time if you have not been able to resolve your differences.



The due process hearing is more formal than a conciliation conference or mediation. An impartial hearing officer serves as a third party to hear both sides and issue a decision. The decision must be issued in writing within 45 calendar days of the hearing request.

Time periods are set by state and federal law for responses or actions by parents and schools at various stages of the planning and appeals processes. These time periods are intended to reduce unnecessary delay. See PACER's "A Walk Through the Law" handout for Minnesota timelines, or contact PACER at (612) 827-2966.

To request a due process hearing, send a letter to your special education director with a copy to the superintendent and the State Department of Education.

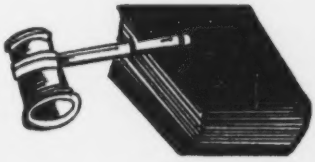
If you are involved in a due process hearing, it is advisable to be represented by an attorney who is familiar with special education laws. You should realize that the school is usually represented by an attorney. Ask the school district for a list of free or low-cost legal services in your area, or contact one of the agencies listed in the back of this booklet.

Schools must tell parents that Public Law 101-476 (IDEA) allows for the reimbursement of attorney's fees if parents prevail (win) in special education disputes (hearings and appeals).

Appeal to the Commissioner of Education

If either parents or schools are not satisfied with the decision of the hearing officer, the decision may be appealed to the Commissioner of Education within 30 calendar days of reciept of the written decision. The commissioner will then appoint a hearing review officer who will issue a final decision within 30 calendar days.

Other kinds of appeals



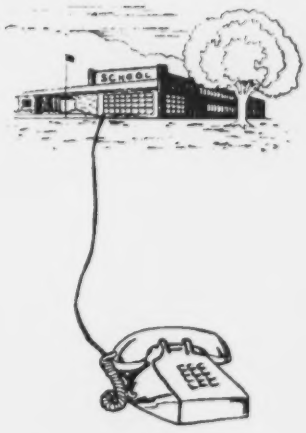
In addition to the due process procedures, two other avenues of appeal may be open to you. Here, too, you should first attempt to resolve differences informally.

The State Complaint Procedure can be used when a school district is out of compliance with state or federal law. For example, it may be used if the district does not notify parents in advance of assessments or starts delivering special education services (for the first time) to a child without the parent's consent and signature. The complaint procedure may be used by any individual (parent, teacher, or other person), or by an agency or organization.

Complaints should be addressed in writing to the Manager of the Office of Monitoring, Minnesota Department of Education, 528 Capitol Square, 550 Cedar St., St. Paul, MN 55101, (612) 296-2012. A complaint officer will investigate and issue a report to both parties within 60 days of receiving the written complaint.

Also, Section 504 of the Rehabilitation Act of 1973 offers a procedure for instances in which a person is discriminated against solely on the basis of his or her disability. If, for example, the school district does not make appropriate modifications in transportation, facilities or programs to accommodate the special needs of a child with a disability, a Section 504 complaint may be filed. To do so, address the complaint in writing to the Office for Civil Rights, United States Department of Education, Room 700C, 401 South State St., Chicago, Illinois 60605-1202, (312) 886-3456 or (312) 353-2520.

Some tips for good communication between parents and schools



1. Keep in touch with your child's teacher or teachers frequently. . . by telephone calls, notes or personal visits. Let the teachers know your ideas about your child — things he or she does well, ways he or she learns best, etc. Ask questions about anything you don't understand.

2. Express your feelings. Let the staff know when you feel they are doing a good job. When you feel that things are not going well, try to offer positive solutions.

3. Attend all meetings relating to your child's education. Be an active, interested parent.

4. Be a good listener. Encourage the staff to keep you informed about your child's progress, relationship with other children, and any problems or concerns the staff may have. Listen to their professional opinions about your child. Remember, school personnel can be good advocates for your child, too!

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5. When differences of opinion arise, talk about them. Look for ways to reach a compromise, but keep your child's needs uppermost in your mind!

6. Help your child develop a positive attitude toward school.

How to be a good advocate for your child

1. Know your rights!

2. Date and save all notes, report cards, IEPs, and notices from the school regarding your child's education.

3. Make notes on telephone conversations and meetings as well. Summarize the conversation; include the names of people you spoke to and the date. If decisions are made by telephone or in a meeting, write up a summary of what was decided, send it to the person you spoke with, and keep a copy for your file.

4. Make notes on questions you want to ask or information you want to offer before you go to meetings.

5. Put requests in writing whenever possible, and keep copies of all correspondence.

6. Mark dates on your calendar . . . meetings, dates by which certain actions should be taken, reminders to follow up.

7. Get to know other parents of children with disabilities.

8. If there isn't an active parent group in your area, organize one.

9. Contact people who are advocates for children.

10. Learn more about your child's disability and services needed.

Questions and Answers about Your Child's Rights

Q. **Can I have changes made in the IEP after I sign it?**

A. Yes. The IEP should be considered a flexible document. If you or a school staff member sees that the plan is not working well, you should meet to discuss possible changes. The review of the IEP is the major opportunity to make changes, but if a problem needs attention before the review date, request an earlier review.

Q. **Can the school change my child's placement without notifying me?**

A. No. Any change such as offering a new service, discontinuing a service, or moving a child to a more segregated (restrictive) setting can be made only after the school has notified you of its intention and has offered you the opportunity to accept or disagree with their proposal. If you disagree, you must state your disagreement in writing in order to stop the proposal.

Q. **Can I have information removed from my child's records?**

A. Yes. If you believe that any test results, comments from staff, or other pieces of information in your child's records are inaccurate or misleading, contact the principal to ask that the information be removed. If this is not done, you can ask for a hearing to review the matter. This hearing, which is held at the school, is different from due process hearings under the special education laws. The procedure is outlined under a federal law referred to as the Family Educational Rights and Privacy Act (FERPA). Further information is available from PACER Center. You may also request that your written disagreement over specific information in the records be added to your child's record(s).

Q. **Will the fact that my child received special education have lifelong implications (in military service, finding employment, etc.)?**

A. No. When your child is no longer receiving special education, all references that he or she received special services must be removed from his or her records if you request in writing that all references to special education be deleted.

Q. **My son is 15. I am concerned about what will happen when he finishes high school. What do I need to do to make sure he will have the skills he needs for the future?**

A. You should begin inquiring now about vocational programs in high school and after high school and all options for postsecondary education and training. Start planning for the transitional needs involved in moving from the world of school to the world of work and skills needed for community living.

In Minnesota, schools are required to address the transition needs of students with disabilities from age 14 or by ninth grade. This means that your child or adolescent will be involved in helping to decide his or her post-school outcomes, and the IEP must be directed to teaching the skills he or she will need to meet the desired outcomes. In Minnesota, a student's IEP "must address his or her need to develop skills to live and work as independently as possible within the community."

If your son or daughter receives county services now or may in the future, it is a good idea to keep in contact with the county case worker. Schools can request the participation of a county case worker at the IEP meeting.

Q. **What if my child is not in a public school . . . do I have the same rights?**

A. Your local public school district has the responsibility to offer special education services to all children in the district who need services, even if they do not attend public schools. Parents of nonpublic school students have the right to refuse such services. If the parents do consent to have their children receive special education services, the same procedural safeguards that are available to public school students must be available to these students. Special education instruction will be provided at the public school or at a "neutral site" such as another building, and the school is responsible for transportation to and from the site.

Organizations in the PACER Coalition

PACER Center can put you in contact with organizations and with advocacy groups and agencies serving persons with disabilities. Here are the 20 organization's in PACER's coalition.

Alliance for the Mentally Ill of MN, Inc. ..... (612) 645-2948

ARC MN ..... (612) 827-5641, (800) 582-5256

Down Syndrome Association of MN ..... (612) 339-5544

Epilepsy Foundation of MN ..... (612) 646-8675, (800) 779-0777

Learning Disabilities of MN ..... (612) 222-2696, (800) 488-4395

Metropolitan Association for the Hearing Impaired ..... (612) 686-6479

Mental Health Association of MN ..... (612) 331-6840, (800) 862-1799

MINCEP Epilepsy Care P.A. ..... (612) 525-2400

MN Assn. for Children's Mental Health ..... (612) 884-6722, (800) 528-4511

MN Coalition on Handicap Issues ..... (612) 672-9344

MN Foundation for Better Hearing and Speech ..... (612) 223-5130, (800) 228-2506

Brain Injury Association of MN ..... (612) 644-1121, (800) 669-6442

MN Speech-Language-Hearing Assn ..... (612) 920-0787, (800) 344-8808

MN State Council on Disability ..... (612) 296-6785, (800) 945-8913

Muscular Dystrophy Association ..... (612) 832-5517

National Federation of the Blind of MN, Inc. ..... (612) 872-9363

Spina Bifida Association of MN ..... (612) 222-6395, (800) 621-3141

Tourette Syndrome Association, MN Chapter ..... (612) 827-1774

Twin Cities Autism Society ..... (612) 647-1083

United Cerebral Palsy of MN, Inc. ..... (612) 646-7588

Agencies providing legal or specialized advocacy assistance

Minnesota Disability Law Center
Mental Health Law Project
Client Assistance Program (CAP)
Legal Advocacy for Persons with Developmental Disabilities
300 Kickernick Building
430-1st Avenue North
Minneapolis, MN 55401-1780
(612) 332-1441 or 332-4668 (TTY)
1-800-292-4150

Regional offices in Minnesota include:

Minnesota Disability Law Center
Board of Trade Bldg.
301 W. 1st Street, #416
Duluth, MN 55802
(218) 722-5625

Legal Advocacy for Persons with Developmental Disabilities
P.O. Box 155
Fergus Falls, MN 56538
(218) 739-5325

204-1st Avenue NW, #4
Grand Rapids, MN 55744
(218) 326-7044

Mental Health Law Project
P.O. Box 226
Park Rapids, MN 56740
1(800) 352-4654

Advocate for the Blind
4700 Norwest Center
90 So. 7th St.
Minneapolis, MN 55402-4129
(612) 347-0299

The Juvenile Project of The Legal Aid Society of Minneapolis
2929 4th Avenue South
Minneapolis, MN 55408
(612) 827-3774

State of Minnesota Office of Ombudsman for Mental Health and Mental Retardation
202 Metro Square Building
St. Paul, MN 55101
(612) 296-3848, 1(800) 657-3506

Regional offices:

Anoka ..... (612) 422-4269

Brainerd ..... (218) 828-2366

Cambridge ..... (612) 689-7155

Faribault ..... (507) 332-3380

Fergus Falls ..... (218) 739-7364

Moose Lake ..... (218) 485-5300 x302

St. Peter ..... (507) 931-7669

Willmar ..... (612) 231-5962

In addition to these legal services for persons with disabilities, there are general legal aid offices in many counties in the state.

Know your rights and responsibilities
so that you can be a good advocate for your child

Remember, **IEP** can also stand for

I. NFORMED
E. FFECTIVE
P. ARENTS